

Exhibit G

**Department of Law
State of Georgia**



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October 10, 2008

VIA FACSIMILE at 212-808-7897
 Clifford Katz
 Marisa Lorenzo
 Kelley Drye & Warren LLP
 01 Park Avenue
 New York, New York 10178

RE: United States ex rel. Ven-a-Care of the Florida Keys, Inc., et al. v. Dey, Inc., et al., Civil Action No. 05-CV-11084-PBS

Dear Mr. Katz:

This letter is in response to your letter of October 6, 2008, which in turn was in response to my telephone call to you on September 26, 2008 notifying you of an impending letter and subsequent clawback letter of September 29, 2008. In your letter you claim that the documents produced by the Georgia Department of Community Health ("DCH") were produced intentionally; that Georgia has failed to make a timely request for return of the documents; and that Georgia has waived any privilege with respect to the documents produced. At the outset, we disagree with your assessment that a DCH employee has somehow waived attorney-client, work product, and/or deliberative process privileges on behalf of DCH and/or the State of Georgia.

As you know, in an effort to promptly produce documents in response to your subpoena the State of Georgia inadvertently produced to you various documents that were clearly subject to the attorney client privilege. Because privileged documents were unexpectedly found on two different occasions, I thought it more prudent to request the return of the entire production so that it could be reassessed for privileged materials. Since the entire production consisted of two boxes of documents which could be easily packed up and returned to me at no cost to your client, I was surprised to be met with an objection on your end. The return of all of the documents likewise seemed especially appropriate given that the materials were not bates stamped and therefore would require you to examine them in detail to identify the privileged materials to be returned, the exact result which we are trying to avoid. Moreover, your refusal to return the entire production of documents is preventing me from exercising the reasonable care you claim should be exercised in these circumstances. In sum, your position in this regard is unreasonable.

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You have asserted that Georgia has not identified any documents as privileged. Accordingly, in the interest of attempting to provide you with an identification of the documents Georgia claims as privileged, I have attached computer screen printouts from the Master compact disc produced by DCH. As you can see, on Exhibit A, there is a folder labeled "L_Drive.pst." That particular folder contains approximately 179 emails, 63 of which are in a subfolder marked "Privileged?." Just the name of the folder should have been enough to signal to you that they were inadvertently produced privileged documents that should have been specifically brought to my attention before being reviewed. Additionally, there are documents in file folders 2, 5, 8 and 9, 10, 11, 13, 14, 19, and 24 which Georgia maintains are privileged. It is apparent that because the Master compact disc contains a mixture of privileged and non-privileged materials, it is necessary that you return the entire compact disc which we will replace with a disc containing only non-privileged information. Based upon your concern with returning all documents provided by DCH, I will also provide you with a list of documents which were provided in paper format which Georgia maintains are subject to privilege. However, without the documents being bates stamped, it is unclear how you will identify those documents without reviewing the documents.

With respect to your claim that the documents were produced intentionally because they were neatly organized, as I informed you during our telephone conversation the documents were obviously organized because they were being produced in response to a subpoena and thus required some sort of organization and identification. The documents were produced by a non-attorney and the inclusion of certain documents was in no way purposeful, intentional, nor intended to waive any privilege, including, but not limited to, attorney-client privilege.

Georgia has made a timely request for return of the documents that were produced. I notified you via telephone on September 26, 2008 and via letter on September 29, 2008, that we discovered additional privileged documents outside of the documents that were the subject of the September 5, 2008 discovery. The additional discovery was made on or about September 24, 2008 and you were notified verbally within two (2) days on September 26, 2008 and in writing via facsimile and email on September 29, 2008.

We are again requesting that you return the Master compact disc produced to you by DCH pursuant to the subpoena issued on July 21, 2008 in the above-referenced case. Also, destroy any copies you may have that reflect the contents of the inadvertently produced information.

You may use the Federal Express account of the Law Department in returning the production at no cost to your client. That number is 0300-4911-0. Additionally, please designate Matter No. 1080435 on the label. I will issue a new document production to you which does not contain privileged documents.

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inally, we initially agreed to postpone the noticed 30(b)(6) deposition originally scheduled on October 8, 2008 for one week until October 15, 2008. Given the circumstances with the documents, I am assuming that you do not intend to proceed with any depositions at this time, particularly as Mr. Lavine has filed a notice postponing his intended deposition until further notice. You may contact me at the above-listed telephone number to discuss this matter further.

Respectfully,

Michelle Townes
MICHELLE TOWNES
ASSISTANT ATTORNEY GENERAL



